

Division Opinion

Inquiry : # 2012-01

Subject: Radon Compliance for Residential Buildings

Code: MN Statute 326B.106 Subpart 6

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Approved By: Stephen Hernick

Issue Date: May 15, 2012

Question: Does a radon control system listed in the Residential Energy Code need to be installed for a residential structure, when the first story is a parking garage? (i.e. An S-2 Occupancy, for example)

Answer: Technically, Yes, Minnesota Statue 326B.106 Subd. 6 requires that Radon be addressed for all residential buildings. Minnesota Rule 1322.2101 States in part that the rule applies to ‘radon-resistant construction in new residential construction built to the requirements of Minnesota Rules, chapter 1305 or 1309.’

Discussion: The rule that was open at that time this law came into effect, was MR1322. Appendix F of the IRC became the basis for what was put into the rule along with scoping provisions that were broader than the rest of 1322. This did not allow time to do much refinement to the language of the appendix.

The Code official may accept systems that are not listed in the code, as an alternate method, providing they meet or exceed the provisions of the code, (See MN Rules 1300.0110 Subpart 13). This language allows the use of new or alternate systems that will provide radon control and resist the entry of radon gas into the residential occupancy.

Background Information: Construction Codes & Licensing has received several requests for clarification on this specific topic. The department is planning to clarify this specific situation in code language for the next rule adoption. That proposed language is as follows:

***Scope:** These radon control requirements apply only to new residential buildings. These provisions apply to new, single family dwellings, two-family dwellings, townhouses, apartment buildings, condominiums or a similar building intended for use as a residence.*

Exceptions:

1. Any new building in which the residential portion of the building is immediately adjacent to another occupancy such as, but not limited to, retail, mercantile, business, or a parking garage. This residential occupancy shall be sealed at the occupancy separation.
2. Any new building in which the residential portion of the building is separated from contact with the earth by at least one story of non-residential occupancy such as, but not

limited to, retail, mercantile, business, or a parking garage. This residential occupancy shall be sealed at the occupancy separation.

The department is intending to place this new code language and this rule language into the future Minnesota Rule 1303 “Minnesota Provisions of the State Building Code”. This is a better location for the user to find the code information since it is a specific requirement for Minnesota only, at the current time.